

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

KEVIN COPLEY,

Plaintiff,

v.

CIVIL ACTION NO. 3:13-3362

CAROLYN W. COLVIN,  
Acting Commissioner of the  
Social Security Administration,

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Defendant's Motion to Dismiss for lack of subject matter jurisdiction (ECF No. 7), dismiss the complaint, with prejudice, and remove this action from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Defendant's Motion to Dismiss for lack of subject matter jurisdiction (ECF No. 7), **DISMISSES** the complaint, with prejudice, and **REMOVES** this action from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: April 2, 2014

  
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ROBERT C. CHAMBERS, CHIEF JUDGE